

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 GAVIN PENKAL,

5 Plaintiff,

6 v.

7 COMMISSIONER OF SOCIAL
8 SECURITY,

9 Defendant.
10

Case No. 3:23-cv-00393-CLB

**ORDER GRANTING MOTION
FOR ATTORNEY'S FEES PURSUANT TO
EQUAL ACCESS TO JUSTICE ACT**

[ECF No. 23]

11 Before the Court is Plaintiff Gavin Penkal's motion for attorney's fees pursuant to
12 the Equal Access to Justice Act, 28 U.S.C. § 2412. (ECF No. 23.) Defendant filed a
13 document entitled a "response" to this motion, wherein he stated that he had "given
14 consideration to the merits of Plaintiff's request and found no basis to object." (ECF No.
15 24.) As such, the Court treats this "response" as a non-opposition to the motion. Pursuant
16 to Local Rule 7-2(d), the failure of an opposing party to file points and authorities in
17 response to any motion shall constitute a consent to the granting of the motion.

18 Having considered the motion and attachments, along with Defendant's non-
19 opposition, the Court finds that Plaintiff's motion should be granted. Moreover, the Court
20 finds that the amount of fees requested by Plaintiff are reasonable appropriate under the
21 circumstances.

22 **IT IS THEREFORE ORDERED** that Plaintiff's motion for attorney's fees pursuant
23 to the Equal Access to Justice Act, 28 U.S.C. § 2412, (ECF No. 23), is **GRANTED**.

24 **IT IS FURTHER ORDERED** that Plaintiff be awarded attorney's fees in the sum of
25 \$7,287.05.

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1 **IT IS FURTHER ORDERED** that payment of these fees to be paid by Defendant
2 directly to Plaintiff's attorney, Olinsky Law Group, provided that Plaintiff owes no debt that
3 is subject to offset under the Treasury Offset program, and the payment be mailed to the
4 following address:

5 Olinsky Law Group
6 250 South Clinton St. Ste 210
7 Syracuse, NY 13202

8 **IT IS SO ORDERED.**

9 **DATED:** August 6, 2024 .


UNITED STATES MAGISTRATE JUDGE